

AMENDED IN ASSEMBLY MAY 14, 2012

AMENDED IN ASSEMBLY MARCH 12, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1600

Introduced by Assembly Member Torres
(Coauthor: Assembly Member Portantino)
(Coauthors: Senators Hernandez, Huff, and Liu)

February 6, 2012

An act to amend Sections 132400, 132410, *132415*, 132420, and 132450 of the Public Utilities Code, relating to the Metro Gold Line Foothill Extension Construction Authority.

LEGISLATIVE COUNSEL'S DIGEST

AB 1600, as amended, Torres. Metro Gold Line Foothill Extension Construction Authority.

Existing law creates the Metro Gold Line Foothill Extension Construction Authority, *governed by a board of 5 voting members and 3 nonvoting members, appointed as specified*, for purposes relating to the development of a light rail project extending from the City of Los Angeles to the Cities of Pasadena and Claremont, and authorizes the authority to accept grants, fees, and allocations from the state, local agencies, and private entities.

This bill would provide for the extension of the project to the City of Montclair, instead of the City of Claremont. The bill would authorize the authority to also accept grants, fees, and allocations from federal agencies, and to accept transfers of funds from federal, state, and local agencies.

Existing law creates the Los Angeles County Metropolitan Transportation Authority (LACMTA) and specifies that the LACMTA shall assume responsibility for operating the project upon dissolution of the authority. *Existing law creates the San Bernardino County Transportation Commission and requires the San Bernardino Associated Governments (SANBAG) to function in that capacity.*

This bill would require the LACMTA to assume responsibility for operating all completed phases of the project, ~~and~~. *The bill would grant it authority to operate the portion of the project located in San Bernardino County, subject to approval by SANBAG through approval of a construction and maintenance agreement, as specified, with respect to the portion of the project on right-of-way owned by SANBAG. The bill would expand the board of the authority by one nonvoting member to be appointed by the president of the board of directors of SANBAG.*

Existing law authorizes the governing board of the authority to appoint an executive director to carry out the duties of the authority, including awarding and approving contracts.

This bill would require that contracts awarded by the executive director comply with laws generally applicable to local agency procurements, as specified.

Because this bill would require a local authority to assume additional responsibilities, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 132400 of the Public Utilities Code is
- 2 amended to read:
- 3 132400. For purposes of this chapter, the following terms have
- 4 the following meanings:
- 5 (a) The “authority” is the Metro Gold Line Foothill Extension
- 6 Construction Authority created under this chapter, formerly known
- 7 as the Pasadena Metro Blue Line Construction Authority.
- 8 (b) The “board” is the governing board of the authority.

1 (c) The “commission” is the California Transportation
2 Commission.

3 (d) The “LACMTA” is the Los Angeles County Metropolitan
4 Transportation Authority.

5 (e) The “project” is the Los Angeles-Pasadena Foothill
6 Extension Gold Line light rail project, formerly known as the Los
7 Angeles-Pasadena Metro Blue Line, extending from Union Station
8 in the City of Los Angeles to Sierra Madre Villa Boulevard in the
9 City of Pasadena and any mass transit guideway that may be
10 planned east of Sierra Madre Villa Boulevard along the rail
11 right-of-way extending to the City of Montclair.

12 (f) The “extension cities” are the ~~cities~~ *Cities* of Arcadia,
13 Monrovia, Duarte, Irwindale, Azusa, Glendora, San Dimas, La
14 Verne, Pomona, Claremont, and Montclair.

15 SEC. 2. Section 132410 of the Public Utilities Code is amended
16 to read:

17 132410. (a) The authority has all of the powers necessary for
18 planning, acquiring, leasing, developing, jointly developing,
19 owning, controlling, using, jointly using, disposing of, designing,
20 procuring, and building the project, including, but not limited to,
21 all of the following:

22 (1) Acceptance of grants, fees, allocations, and transfers of funds
23 from federal, state, and local agencies, as well as private entities.

24 (2) Acquiring, through purchase or through eminent domain
25 proceedings, any property necessary for, incidental to, or
26 convenient for, the exercise of the powers of the authority.

27 (3) Incurring indebtedness, secured by pledges of revenue
28 available for project completion.

29 (4) Contracting with public and private entities for the planning,
30 design, and construction of the project. These contracts may be
31 assigned separately or may be combined to include any or all tasks
32 necessary for completion of the project.

33 (5) Entering into cooperative or joint development agreements
34 with local governments or private entities. These agreements may
35 be entered into for the purpose of sharing costs, selling or leasing
36 land, air, or development rights, providing for the transferring of
37 passengers, making pooling arrangements, or for any other purpose
38 that is necessary for, incidental to, or convenient for the full
39 exercise of the powers granted the authority. For purposes of this
40 paragraph, “joint development” includes, but is not limited to, an

1 agreement with any person, firm, corporation, association, or
2 organization for the operation of facilities or development of
3 projects adjacent to, or physically or functionally related to, the
4 project.

5 (6) Relocation of utilities, as necessary for completion of the
6 project.

7 (b) The duties of the authority include, but are not limited to,
8 all of the following:

9 (1) Conducting the financial studies and the planning and
10 engineering necessary for completion of the project.

11 (2) (A) Adoption of an administrative code, not later than 60
12 days after establishment of the authority, for administration of the
13 authority in accordance with any applicable laws, including, but
14 not limited to, the Ralph M. Brown Act (Chapter 9 (commencing
15 with Section 54950) of Part 1 of Division 2 of Title 5 of the
16 Government Code), the provisions of this chapter, laws generally
17 applicable to local agency procurements and contracts, laws relating
18 to contracting goals for minority and women business participation,
19 and the Political Reform Act of 1974 (Title 9 (commencing with
20 Section 81000) of the Government Code).

21 (B) (i) The administrative code adopted under subparagraph
22 (A) shall include a code of conduct for employees and board
23 members that is consistent with Sections 84308 and 87103 of the
24 Government Code and prohibits board members and staff from
25 accepting gifts valued at ten dollars (\$10) or more from contractors,
26 potential contractors, or their subcontractors.

27 (ii) The code shall require the disclosure, on the record, of the
28 proceedings by the officer of the agency who receives a
29 contribution within the preceding 24 months in an amount of more
30 than two hundred fifty dollars (\$250) from a party or participant
31 to a proceeding, and the disclosure by the party or participant.

32 (iii) The code shall provide that no officer of the agency shall
33 make, participate in making, or in any way attempt to use his or
34 her official position to influence the decision in a proceeding, as
35 described in Section 84308 of the Government Code, if the officer
36 has willfully or knowingly received a contribution in the amount
37 of more than two hundred fifty dollars (\$250) within the preceding
38 24 months from a party or his or her agent, or from any participant
39 or his or her agent if the participant has a financial interest in the
40 decision.

1 (iv) Any officer deemed ineligible to participate in a proceeding
2 due to the provisions of this code of conduct may be replaced for
3 the purposes of that proceeding by an appointee chosen by the
4 appropriate appointing authority.

5 (v) Under the code of conduct, board members shall be deemed
6 to have a financial interest in a decision within the meaning of
7 Section 87100 of the Government Code if the decision involves
8 the donor of, or intermediary or agent for a donor of, a gift or gifts
9 aggregating ten dollars (\$10) or more in value within the 12 months
10 prior to the time the decision was made.

11 (vi) Board members and alternate members shall not be
12 considered financially interested, under or for the purposes of
13 Section 1090 of the Government Code, solely by virtue of their
14 holding office with the authority and, concurrently, holding office
15 with an entity set forth in subdivision (a) of Section 132415, an
16 extension city, or both such an entity and such a city, and they may
17 participate in decisions and agreements regarding the authority,
18 any of the entities set forth in subdivision (a) of Section 132415,
19 and any of the extension cities. The participation described in this
20 clause shall not constitute a conflict of interest under or for the
21 purposes of Section 1090 of the Government Code, or an
22 incompatible employment, activity, or enterprise under or for the
23 purposes of Section 1126 of the Government Code.

24 (c) The authority shall make reasonable progress, as determined
25 by the commission, in the design and construction of the project
26 within the timetable imposed under the 1998 State Transportation
27 Improvement Program.

28 *SEC. 3. Section 132415 of the Public Utilities Code is amended*
29 *to read:*

30 132415. (a) The authority shall be governed by a board
31 consisting of five voting members and ~~three~~ *four* nonvoting
32 members who shall be appointed as follows:

33 (1) Three members shall be appointed by the City Councils of
34 the Cities of Los Angeles, Pasadena, and South Pasadena, with
35 each city council appointing one member by a majority vote of
36 the membership of that city council.

37 (2) One member shall be appointed by the President of the
38 Governing Board of the San Gabriel Valley Council of
39 Governments, subject to confirmation by that board.

40 (3) One member shall be appointed by the LACMTA.

1 (4) One nonvoting member shall be appointed by the Governor.

2 (5) Two nonvoting members shall be appointed by the City
3 Councils of the Cities of Pasadena and South Pasadena, with each
4 city appointing one nonvoting member.

5 (6) *One nonvoting member shall be appointed by the president*
6 *of the board of directors of the San Bernardino Associated*
7 *Governments, subject to confirmation by that board.*

8 (b) All members shall serve a term of not more than four years,
9 with no limit on the number of terms that may be served by any
10 person.

11 (c) Each appointing authority shall also appoint an alternate
12 member to serve in a member's absence. If the position of a voting
13 member becomes vacant, the alternate member shall serve until
14 the position is filled as required pursuant to subdivision (a).

15 (d) Members of the board are subject to the Political Reform
16 Act of 1974 (Title 9 (commencing with Section 81000) of the
17 Government Code).

18 (e) Three members of the board shall constitute a quorum.

19 (f) The board shall elect a chairperson and vice chairperson
20 from among the membership of the board.

21 (g) Each member of the board may be compensated at a rate of
22 not more than one hundred fifty dollars (\$150) per day spent
23 attending to the business of the authority. Compensation, if paid,
24 shall not exceed six hundred dollars (\$600) per month, plus
25 expenses directly related to the performance of duties imposed by
26 the authority, including, but not limited to, travel and personal
27 expenses.

28 (h) Members appointed to the board may include members of
29 the entities set forth in subdivision (a), and members of the city
30 councils or other elected officials of the extension cities, or both.
31 The simultaneous membership described in this subdivision shall
32 not constitute a violation of Section 1099 or 1126 of the
33 Government Code.

34 ~~SEC. 3.~~

35 *SEC. 4.* Section 132420 of the Public Utilities Code is amended
36 to read:

37 132420. (a) The board may appoint an executive director to
38 serve at the pleasure of the authority.

39 (b) The executive director is exempt from all civil service
40 provisions and shall be paid a salary established by the board.

1 (c) The executive director may appoint staff or retain consultants
2 as necessary to carry out the duties of the authority.

3 (d) All contracts approved and awarded by the executive director
4 shall be awarded in accordance with state laws generally applicable
5 to local agency procurements and contracts, subject to the
6 provisions of this chapter. Awards shall be based on price or
7 competitive negotiation, or on both of those things.

8 ~~SEC. 4.~~

9 *SEC. 5.* Section 132450 of the Public Utilities Code is amended
10 to read:

11 132450. (a) (1) The LACMTA shall assume responsibility
12 for operating all completed phases of the project.

13 (2) ~~The Subject to subparagraph (A), the~~ LACMTA shall have
14 the authority to operate the portion of the project located in San
15 Bernardino County, *which extends approximately one-half mile*
16 *from the Los Angeles and San Bernardino County line to the*
17 *Montclair Transit Center.*

18 (A) *With respect to the portion of the project on right-of-way*
19 *owned by the San Bernardino Associated Governments, the*
20 *LACMTA's authority to operate the project shall be contingent*
21 *upon the approval of the board of directors of the San Bernardino*
22 *Associated Governments, acting as the county transportation*
23 *commission, through approval of a construction and maintenance*
24 *agreement with both the LACMTA and the authority.*

25 (B) *The construction and maintenance agreement shall provide*
26 *that the San Bernardino Associated Governments reimburse the*
27 *LACMTA for the costs of operating that portion of the line located*
28 *in San Bernardino County.*

29 (3) *Nothing in this section shall be construed to require the*
30 *LACMTA to allocate funds to the project beyond funds that have*
31 *been allocated as of January 1, 2012.*

32 (b) The authority shall be dissolved when project construction
33 has been completed.

34 ~~SEC. 5.~~

35 *SEC. 6.* No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district are the result of a program for which legislative authority
39 was requested by that local agency or school district, within the

- 1 meaning of Section 17556 of the Government Code and Section
- 2 6 of Article XIII B of the California Constitution.

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